

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2723

(Reference to House engrossed bill)

1   Page 1, between lines 1 and 2, insert:

2                 "Section 1. Section 48-701, Arizona Revised Statutes, is amended to  
3                 read:

4                 48-701. Definitions

5                 In this article, unless the context otherwise requires:

6                 1. "Clerk" includes any person or official who performs the duties of  
7                 clerk of the municipality or county or any person appointed by the district  
8                 board to be the district clerk pursuant to section 48-711, subsection D.

9                 2. "County" means a county that forms a community facilities district  
10                 pursuant to this article in an unincorporated area or in an incorporated area  
11                 with the municipality's consent.

12                 3. "Debt service" means the principal of, interest on and premium, if  
13                 any, on the bonds, when due, whether at maturity or prior redemption and fees  
14                 and costs of registrars, trustees, paying agents or other agents necessary to  
15                 handle the bonds and the costs of credit enhancement or liquidity support.

16                 4. "District" means a tax levying community facilities district formed  
17                 pursuant to this article by a municipality or formed pursuant to this article  
18                 by a county in an unincorporated area or in an incorporated area with the  
19                 municipality's consent.

20                 5. "District board" means the board of directors of the district,  
21                 which shall be comprised of the members of the governing body of the  
22                 municipality or county, ex officio, or, at the option of the governing body,  
23                 five directors appointed by the governing body under this article.

24                 6. "Enhanced municipal services" means public service provided by a  
25                 county or municipality within the district at a higher level or to a greater  
26                 degree than provided in the remainder of the county or municipality,  
27                 including such services as public safety, fire protection, street or sidewalk  
28                 cleaning or landscape maintenance in public areas.

1           7. "General obligation bond" means a bond that is issued pursuant to  
2 section 48-719 and that is secured by a pledge of ad valorem taxes levied by  
3 the district.

4           8. "General plan" means the general plan described in section 48-702,  
5 subsection B, as the plan may be amended.

6           9. "Governing body" means the body or board which by law is  
7 constituted as the legislative department of the municipality or county.

8           10. "Municipality" means an incorporated city or town.

9           11. "Owner" means the person who, on the day the action, election or  
10 proceeding is begun or held, appears to be the owner of real property as  
11 shown on the property tax assessment roll.

12          12. "Public infrastructure" means all improvements listed in this  
13 paragraph that will result in a beneficial use principally to land within the  
14 geographical limits of the district and may include a district's share of any  
15 improvements listed in this paragraph if the district board determines such  
16 share is proportionate to the beneficial use of such improvements to land  
17 within the geographical limits of the district, improvements within or  
18 outside the geographical limits of the district, necessary or incidental  
19 work, whether newly constructed, renovated or existing, and all necessary or  
20 desirable appurtenances. For the purposes of this paragraph, adoption by the  
21 district board of a resolution of intent pursuant to section 48-715 shall  
22 conclusively establish that the improvements or, if applicable, share of the  
23 improvements that are the subject of the resolution will result in a  
24 beneficial use principally to land within the geographical limits of the  
25 district. Public infrastructure improvements are:

26           (a) Sanitary sewage systems, including collection, transport, storage,  
27 treatment, dispersal, effluent use and discharge.

28           (b) Drainage and flood control systems, including collection,  
29 transport, diversion, storage, detention, retention, dispersal, use and  
30 discharge.

31           (c) Water systems for domestic, industrial, irrigation, municipal or  
32 fire protection purposes, including production, collection, storage,

1 treatment, transport, delivery, connection and dispersal, but not including  
2 facilities for agricultural irrigation purposes unless for the repair or  
3 replacement of existing facilities when required by other improvements  
4 permitted by this article.

5 (d) Highways, streets, roadways and parking facilities, including all  
6 areas for vehicular use for travel, ingress, egress and parking.

7 (e) Areas for pedestrian, equestrian, bicycle or other nonmotor  
8 vehicle use for travel, ingress, egress and parking.

9 (f) Pedestrian malls, parks, recreational facilities other than  
10 stadiums, and open space areas for the use of members of the public for  
11 entertainment, assembly and recreation.

12 (g) Landscaping, including earthworks, structures, lakes and other  
13 water features, plants, trees and related water delivery systems.

14 (h) Public buildings, public safety facilities and fire protection  
15 facilities.

16 (i) Lighting systems.

17 (j) Traffic control systems and devices, including signals, controls,  
18 markings and signage.

19 (k) Equipment, vehicles, furnishings and other personality related to  
20 the items listed in this paragraph.

21 (1) DRY UTILITIES, INCLUDING ELECTRIC, GAS, CABLE AND  
22 TELECOMMUNICATIONS LINES.

23 13. "Public infrastructure purpose" means:

24 (a) Planning, design, engineering, construction, acquisition or  
25 installation of public infrastructure.

26 (b) Acquiring, converting, renovating or improving existing facilities  
27 for public infrastructure.

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1                         (c) Acquiring interests in real property for public infrastructure.

2                         (d) Establishing, maintaining and replenishing reserves from any  
3                         source described in section 48-717 or from any other source in order to  
4                         secure payment of debt service on bonds.

5                         (e) Notwithstanding section 48-589, funding and paying from bond  
6                         proceeds interest accruing on bonds for a period of not to exceed three years  
7                         from their date of issuance.

8                         (f) Providing for the timely payment of debt service on bonds or other  
9                         indebtedness of the district.

10                         (g) Refinancing any matured or unmatured bonds with new bonds.

11                         (h) Incurring expenses of the district incident to and reasonably  
12                         necessary to carry out the purposes specified in this paragraph.

13                         14. "Revenue bonds" means those bonds that are issued pursuant to  
14                         section 48-720 and that are secured by a pledge of revenues of the district  
15                         or revenues collected by the county or municipality and returned to the  
16                         district.

17                         15. "Treasurer" includes any person or official who performs the duties  
18                         of treasurer of the municipality or county or any person appointed by the  
19                         district board as the district treasurer pursuant to section 48-711,  
20                         subsection D."

21                         Renumber to conform

22                         Amend title to conform

ROBERT BLENDU

4/4/08  
2:37 PM  
S: BB/jas